

REMARKS

Claims 1-33 are currently pending in the application. Claims 1, 11, 20, 28, and 33 have been amended. Applicant respectfully submits that no new matter has been added. No claims have been added or canceled. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claim 28 has been objected to for reciting "their statistical analysis" instead of "the statistical analysis". In response, Applicant has amended claim 28 to recite "the statistical analysis".

Claims 1-8, 10-16, and 19-33 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully submits that the feature of *storing the at least one metric representative of the interdependency relationship* alone is alone sufficient for the claims to be directed to statutory subject matter.¹ Applicant respectfully draws the Examiner's attention to the fact that a 35 U.S.C. § 101 rejection of these claims has previously been raised and successfully overcome. In addressing the prior rejection, Applicant, in the interest of furthering prosecution of the application, amended the claims to address the rejection. Features of receiving data, statistically analyzing the data, forming at least one metric, and storing the at least one metric being performed over the computer network were added and the rejection was withdrawn. Both these features and the feature of storing the at least one metric representative of the interdependency relationship remain in the claims. Applicant respectfully submits that all of the rejected claims produce a useful, concrete, and tangible result and are therefore directed to statutory subject matter. Applicant respectfully requests that the 35 U.S.C. § 101 rejection of claims 1-8, 10-16, and 19-33 be withdrawn.

Claims 16-19 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. The Examiner asserts that claims 16-19 recite "the first and second project team members" without antecedent basis in claim 11. Applicant respectfully submits that the preamble of claim 11 provides the antecedent basis for "the first and second project team

¹ See *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998) ("[T]ransformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' -- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.").

members.” Applicant respectfully requests that the 35 U.S.C. § 112 rejection of claims 16-19 be withdrawn.

Claims 1-3, 7-13, 16-27, and 29-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Studying On-Line Networks by Garton et al. (“Garton”) in view of Improved Project Management Through Improved Document Management by Eloranta et al. (“Eloranta”).

Garton teaches an approach to analyzing the ways that social networks develop online. The analysis focuses on patterns of relations between and among people, organizations, states, and other groups. Eloranta teaches a method of project-oriented business process management using existing tools for electronic document management.

Applicant respectfully requests the Examiner to produce a reference teaching that the first and second persons of independent claims 1, 11, 20, and 33 are project team members and that the artifact is a development project artifact. The Office Action asserts that these are non-functional descriptive material not functionally involved in the steps and that they do not alter the recited structural elements, assertedly relieving the Examiner of the burden of finding references teaching these features to support the obviousness rejection.

In response, Applicant respectfully submits that the modification of a development project artifact forms the basis for the interdependency referred to in claims 1, 11, 20, and 33. If the artifact is not one that is in development (e.g., ongoing), then it is not one that is periodically modified. As a result, it is also not an artifact from which a meaningful metric representative of a characteristic of an interdependency based thereon may be gleaned. Applicant respectfully submits that the development project artifact is functionally related to the claimed invention and that, if not taught by any of the cited references, for at least that reason, independent claims 1, 11, 20, and 33 and their dependents are in condition for allowance.

Independent claim 1 is directed to a method for determining interdependencies between project team members working on a development project utilizing a computer network. Independent claim 11 is directed to a system for determining interdependency relationships between at least two project team members working on a development project including at least one artifact modified by the at least two project team members. Independent claim 20 is directed to a method for analyzing an interdependency relationship between a first and a second person working on at least one artifact stored on a computer network. In order to clarify the invention as claimed, each of these claims has been amended to include the feature of forming at least one

metric representative of a characteristic of an interdependency. Applicant respectfully submits that the combination of Eloranta and Garton fails to teach, suggest, or render obvious at least this feature of claims 1, 11, and 20.

The Office Action asserts that Garton teaches the feature of forming at least one metric representative of an interdependency relationship between the first and second project team members. In the Examiner-cited sections, Garton teaches assessing the range of a social network, the network density, the centrality, and roles of network members, and performing a positional analysis on network members. Applicant respectfully submits that, as discussed further below, none of these analyses produce a metric representative of a characteristic of an interdependency relationship between two persons, resulting from modification of at least one artifact, as the Office Action asserts.

The range analysis of Garton is concerned with the size and heterogeneity of a social network as a whole, rather than an interdependency relationship between two persons. For a centrality analysis, Garton discloses identifying the members in the network with and without extensive contact with other members, without teaching or suggesting interdependencies or even producing a metric.

In a roles analysis, Garton discloses finding patterns in the behaviors of different network members in order to suggest the presence of a network role, such as that of a teacher role or a student role. Similarly, in the positional analysis, Garton discloses partitioning the social network into groups by similar positions within an organization. These two analyses place members of a social network into classes, rather than finding specific interdependencies between specific persons; moreover, the relationship is not based on the modification of an artifact. Network density, as disclosed by Garton, measures the number of relations between members of a social network in the abstract, where the relation is not taught or suggested to be an interdependency. As a result, the metric produced is a sum of all relations, rather than being representative of any specific interdependency between two persons.

In contrast, in the invention of claims 1, 11, and 20 as amended, a metric is formed that is representative of a characteristic of an interdependency between project team members based on a temporal relationship resulting from modification of at least one artifact of a development project. In various embodiments of the invention, the relevant characteristic is, for example, the strength or weakness of a dependency between project team members, allowing a project manager to manage and distribute work based on the metric and the artifact on which the

interdependency is based. Applicant respectfully submits that the Examiner-cited portions of Garton at most abstractly discuss communication between members of a social network and address neither specific interdependencies between two specific persons nor forming a metric representative of a characteristic of an interdependency. Applicant respectfully submits that independent claims 1, 11, and 20 distinguish over the combination of Garton and Eloranta and respectfully requests that the 35 U.S.C. § 103(a) rejection thereof be withdrawn.

Dependent claims 2-10 depend from and further restrict independent claim 1 in a patentable sense. Dependent claims 12-19 depend from and further restrict claim 11 in a patentable sense. Dependent claims 21-23 depend from and further restrict claim 20 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejections of independent claims 1, 11, and 20, dependent claims 2-10, 12-19, and 21-32 distinguish over Garton and Eloranta. Withdrawal of the rejections of dependent claims 2-10, 12-19, and 21-32 is respectfully requested.

Dependent claims 4-6, 14-15, and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Garton in view of Eloranta and in further view of Measuring and Visualizing Information Transfer in Networked Collaboration by Puittinen et al. ("Puittinen"). Claims 4-6 depend from and further restrict claim 1 in a patentable sense. Claims 14-15 depend from and restrict claim 11 in a patentable sense. Claim 28 depends from and further restricts claim 20 in a patentable sense. Applicant respectfully submits that Puittinen fails to use the deficiencies noted above of Garton in view of Eloranta. Therefore, for at least the reasons set forth above with respect to the rejections of independent claims 1, 11, and 20, dependent claims 4-6, 14-15, and 28 are deemed to distinguish over Garton, Eloranta, and Puittinen. Withdrawal of the rejections of dependent claims 4-6, 14-15, and 28 is respectfully requested.

Claim 33 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Visualization Components for Persistent Conversations by Smith et al. ("Smith") in view of Official Notice. Independent claim 33 is directed to a computer-readable medium having stored thereon sequences of instructions. Claim 33 has been amended to contain the feature of having sequences of instructions that cause the processor to form at least one metric representative of *a characteristic of* an interdependency relationship between the first and second project team members. Applicant respectfully submits that Smith in view of Official Notice fails to teach, suggest, or render obvious at least this feature of claim 33.

The Office Action argues that Smith teaches the feature of having sequences of instructions that cause the processor to form at least one metric representative of an interdependency relationship between first and second project team members. Smith discloses forming relationships between users of a USENET group based on each user's contributions to the group. Smith also discloses graphing on an interpersonal connections display plots of members according to the number of replies the members posted in a discussion thread, with a line between members becoming thicker as the number of replies between the pair increases.

Applicant respectfully submits that the existence of a relationship does not imply the existence of an interdependency relationship based on an artifact. Smith identifies a relationship between two persons based on replies to a discussion thread but does not disclose a dependency between the two persons. In Smith, in creating the relationship between two persons, both persons are represented uniformly, without regard to one having dependency on the other. Applicant respectfully submits that without a disclosed interdependency, nothing disclosed in Smith may be construed as a metric based upon an interdependency. Applicant respectfully submits that independent claim 33 distinguishes over Smith in view of Official Notice and respectfully requests that the 35 U.S.C. § 103(a) rejection of independent claim 33 be withdrawn.

Applicant respectfully submits that the application is in condition for allowance. A Notice to that effect is respectfully requested.

Dated: Aug. 24, 2006

Respectfully submitted,

By 

Ross T. Robinson

Registration No.: 47,031

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant